

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:22 MJ 5039 NAB
)	
JUSTIN SHERRARD,)	
)	
)	
Defendant.)	

MOTION FOR PRE-TRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Nathan Chapman, Assistant United States Attorneys for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the Government states as follows:

1. The defendant is charged in Count I with an offense for which the maximum term of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), attempt to possess with the intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1). *See* 18 U.S.C. § 3142(e)(3)(A) and (f)(1)(C).

2. Accordingly, a rebuttable presumption arises pursuant to Title 18, United States Code, Section 3142(e)(3) that there are no conditions or combination of conditions which will

reasonably assure the appearance of the defendant as required, and the safety of any other person and the community.

3. Pursuant to Title 18, United States Code, Section 3142(g), the nature of the allegations against the defendant, the weight of the evidence against the defendant, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release additionally warrant the defendant's detention pending trial.

4. The defendant is a threat to the community. The defendant attempted to distribute approximately ten pounds of methamphetamine. When law enforcement attempted a vehicle stop, defendant fled and ultimately crashed his vehicle. Defendant is currently under indictment for conspiracy and possession with the intent to distribute fentanyl, case number 4:21-cr-00554-SRC-DDN-16. In that case, defendant was released on an appearance bond on October 28, 2021, signed by Magistrate Judge David Noce. Defendant also has an extensive criminal history. On June 26, 2009, defendant plead guilty in two separate cases to the class C felony of burglary in the second degree, the class C felony of stealing a firearm, the class C felony of receiving stolen property, and the class A misdemeanor of stealing. Defendant received a suspended imposition of sentence and was placed on five years of supervised probation. While on probation, defendant was convicted in two more cases of four counts of burglary in the second degree, four counts of the class C felony of stealing, and the class D felony of resisting arrest. On June 6, 2012, defendant's prior terms of probation were revoked, and he was sentenced to a total of seven years in the Missouri Department of Corrections.

WHEREFORE, the Government requests this Court to order defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Nathan Chapman
NATHAN CHAPMAN, #60978MO
Assistant United States Attorney
Nathan.chapman@usdoj.gov
111 South 10th Street, Room 20.333
St. Louis, Missouri 63102
(314) 539-2200